

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

SCS Carbon Transport LLC
Midwest Carbon Express CO2 Pipeline Project
Siting Application

Case No. PU-22-391
OAH FILE No. 20230002

ORDER GRANTING PETITION FOR INTERVENTION

[1] On June 30, 2023, Emmons County, by and through its Board of County Commissioners filed a Petition for Intervention in the above referenced case. The Petition indicates intervention is sought to respond to the SCS Carbon Transport LLC's (Summit) Motion to Declare Emmons County and Burleigh County Ordinances Superseded and Preempted.

[2] North Dakota Century Code § 28-32-28 addresses intervention in adjudicative proceedings and provides:

An administrative agency may grant intervention in an adjudicative proceeding to promote the interests of justice if intervention will not impair the orderly and prompt conduct of the proceeding and if the petitioning intervenor demonstrates that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule. The agency may impose conditions and limitations upon intervention. The agency shall give reasonable notice of the intervention to all parties. An administrative agency may adopt rules relating to intervention in an adjudicative proceeding.

[3] The North Dakota Public Service Commission ("Commission") has adopted its own rules relating to intervention. The Commission's rule on intervention provides in part as follows:

Any person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding. The commission may impose conditions and limitations on an intervention to promote the interests of justice.

1. **Contents of petition to intervene.** A petition to intervene must be in writing and must set forth the grounds for intervention, the position and interest of the petitioner in the proceeding, what the petitioner would contribute to the hearing, and whether the petitioner's position is in support of or in opposition to the relief sought.

....

N.D. Admin. Code § 69-02-02-05.

[4] On July 5, 2023 Bismarck Area Intervenors filed a response to the Petition agreeing that Emmons County's Petition should be granted. On July 6, 2023, Summit filed a response indicating it had not objection to the Petition being granted for the limited purpose of responding to Summit's preemption motion. On July 7, 2023, Intervenors represented by Knoll Leibel LLP filed a response agreeing that Emmons County's Petition should be granted.

[5] The Petition sets forth the grounds for intervention, the position and interest of the Intervenor, what the Intervenor can contribute to the hearing, and the Intervenor's position with respect to the relief sought by the applicant. The Intervenor has presented sufficient information to satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and N.D. Admin. Code § 69-02-02-05.

[6] Having considered the written submission of the Intervenor and the applicable statutory provisions and administrative rules, **IT IS HEREBY ORDERED:**

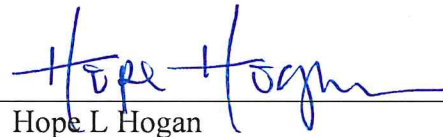
[7] The Petition to Intervene filed by Emmons County is **GRANTED**.

[8] Emmons County shall be permitted to appear as an Intervenor in PSC Case No. PU-22-391 to respond to Summit's Motion to Declare Emmons County and Burleigh County Ordinances Superseded and Preempted.

Dated at Bismarck, North Dakota, this 10 day of July 2023.

State of North Dakota
Public Service Commission

By



Hope L Hogan
Administrative Law Judge
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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

SCS Carbon Transport LLC
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OAH File No. 20230003

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the **ORDER GRANTING PETITION FOR INTERVENTION** was sent by electronic mail and mailed, inside mail, at the State Capitol, on the 10 day of July 2023, to:

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and that true and correct copies of the above document were sent by electronic mail on the 10 day of July 2023, to:

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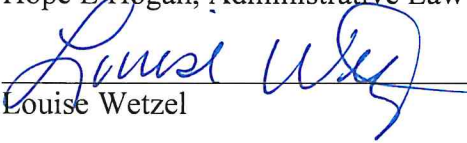
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